

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 14-4824 (DSD/TNL)

Jovan Badillo,

Petitioner,

v.

ORDER

Warden Kent Grandlienard,

Respondent.

Jovan Badillo, #217620, MCF-Oak Park Heights, 5329 Osgood Avenue North, Stillwater, MN 55082, pro se petitioner.

Matthew Frank and James B. Early, Minnesota Attorney General's Office, 455 Minnesota Street, Suite 1800, St. Paul, MN 55101; Jean E. Burdorf, Hennepin County Attorney's Office, 300 South Sixth Street, Suite 2000, Minneapolis, MN 55487, counsel for respondent.

This matter is before the court pursuant to a remand by the United States Court of Appeals for the Eighth Circuit for a determination as to whether a certificate of appealability should be issued.

To warrant a certificate of appealability, a petitioner must make a "substantial showing of the denial of a constitutional right" as required by 28 U.S.C. § 2253(c)(2). A "substantial showing" requires a petitioner to establish that "reasonable jurists" would find the court's assessment of the constitutional claims "debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). As discussed in detail in the report and recommendation adopted in full by the court [ECF Nos. 16, 17], the

court is firmly convinced that Badillo's claims are baseless, and that reasonable jurists could not differ on the results given the nature of his arguments. Accordingly, based on the above, **IT IS HEREBY ORDERED** that, pursuant to 28 U.S.C. § 2253, the court denies a certificate of appealability.

Dated: September 25, 2015

s/David S. Doty
David S. Doty, Judge
United States District Court